

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER

Presently pending before the Court is defendant Kenneth Burch's Motion to Dismiss or, in the Alternative, for Judgment on the Pleadings (filed August 10, 2005/Docket No. 13). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

Plaintiff Rudolph Denis Isenberg brings this employment discrimination action against individual defendant Kenneth Burch pursuant to the Missouri Human Rights Act, Mo. Rev. Stat. §§ 213.010, et seq. (MHRA). As has been determined by the Eighth Circuit Court of Appeals in Lenhardt v. Basic Inst. of Tech., Inc., 55 F.3d 377 (8th Cir. 1995), however, the MHRA does not impose individual liability. While lower federal courts and Missouri state circuit courts have ruled otherwise, this Court is nevertheless bound by precedent as established by the Eighth Circuit. Accordingly, in the absence of a contrary determination by a Missouri state appellate court, Lenhardt continues to control this issue and defendant Burch cannot be individually liable under the MHRA.

Therefore,

IT IS HEREBY ORDERED that defendant Kenneth Burch's Motion to Dismiss (Docket No. 13) is granted.

IT IS FURTHER ORDERED that defendant Kenneth Burch's Alternative Motion for Judgment on the Pleadings (Docket No. 13) is denied as moot.

IT IS FURTHER ORDERED that plaintiff Rudolph Denis Isenberg's claims against defendant Kenneth Burch under the MHRA are hereby dismissed without prejudice.

Kenneth L. Burch

UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of September, 2005.